



Ninety-Eighth Legislature - Second Session - 2004
Introducer's Statement of Intent
LB 1000

Chairperson: Kermit A. Brashear
Committee: Judiciary
Date of Hearing: January 29, 2004

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill establishes a mental health program in the Department of Correctional Services.

A significant percentage of the inmates in Nebraska's correctional system suffers from mental illness. A higher percentage is in need of counseling and treatment for substance abuse issues. Although the Department of Correctional Services provides mental health care and some substance abuse counseling and treatment, Nebraska statutes do not stipulate any standards of practice for the programs in these critical areas.

As the State makes changes in its mental health system, including the possible closing of Regional Centers, it is likely that correctional institutions will become more of a focal point for the State's institutionalized mentally ill. A recent case where a new inmate was almost beaten to death after admission to the state's Diagnostic and Evaluation Center dramatized the need to give more attention to how mental health services are being provided in correctional facilities.

In 2001, the Legislature passed the Nebraska Correctional Health Care Services Act which organized and set standards for the general medical services provided for inmates in the custody of the Nebraska Department of Correctional Services. The Act created the position of medical director in DCS and placed that person at the head of a new division of health care services within the new division of health care services but did not specify how those services were to be organized within the division, or what specific standards the agency was expected to meet in providing those services. LB 1000 addresses those unresolved issues.

LB 1000 provides that the DCS mental health treatment program, which includes all mental health care, sexual offender treatment and counseling, and substance abuse treatment and counseling, will remain within the Department's new division of health care

services, and stipulates that the program is to be run by a licensed psychiatrist designated by the Department's medical director. The director of the DCS mental health treatment program is given the responsibility of developing programs for the training and evaluation of staff and would also supervise the development of a comprehensive program for the mental health sex offender, and substance abuse counseling and treatment provided by the agency.

The DCS mental health treatment program would carry out mental health screening of all new admissions to the state's correctional system, and periodic screening of inmates who are being held in solitary confinement.

Specialized programs would be devised to address the needs of inmates with HIV, hepatitis, posttraumatic stress disorder, and disorders relating to aging, and to identify, treat, and supervise suicidal inmates. In addition, LB 1000 requires the Department to establish a special housing unit for inpatient treatment of inmates with major psychiatric disorders. The mental health treatment staff would also be required to develop a program of comprehensive discharge-planning for inmates under their care so that arrangements can be made for coordinating post-release, community-based services for inmates who need such.

Principal Introducer:

Senator Ernie Chambers